

Remarks

Claims 80-103 are pending in the subject application. Applicants acknowledge that claims 89, 96-99 and 103 have been withdrawn from further consideration as being drawn to a non-elected invention. Entry and consideration of the arguments presented herein is respectfully requested. Accordingly, claims 80-103 are currently before the Examiner with claims 89, 96-99 and 103 standing withdrawn from consideration. Favorable consideration of the pending claims is respectfully requested.

Claims 80-88, 90-95 and 102 have been rejected under 35 U.S.C. § 103(a) as obvious over BioNews (2002) as evidenced by Espinosa *et al.* (2001). Claims 100 and 101 have been rejected under 35 U.S.C. § 103(a) as obvious over BioNews (2002) as evidenced by Espinosa *et al.* (2001) and further in view of Negrier *et al.* (1998). Applicants respectfully submit that the BioNews reference is a press release that is not prior art to the claimed invention and submit, herewith, a Declaration under 37 C.F.R. § 1.131 antedating the BioNews reference (press release) and a Declaration stating that the information contained within BioNews reference (press release) was derived from the inventors of the claimed invention. As stated in the Declaration, the claimed invention was conceived and reduced to practice prior to the critical date (July 8, 2002) in France, a WTO member state. Additionally, the second declaration indicates that the information contained in the BioNews press release originated, or was obtained/derived, from the inventors during the course of a discussion, or discussions, with the individual(s) at Innate Pharma responsible for the preparation of the BioNews press release. Accordingly, it is respectfully submitted that the cited reference is not prior art to the instantly claimed invention and reconsideration and withdrawal of the rejection of record is respectfully requested.

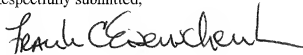
It should be understood that the remarks presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Declarations